



The Organization for Transplant Professionals

September 9, 2004

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: *American Society of Association Executives/ CAN-SPAM Act Rulemaking, Project No. R411008 addressing the definition and implementation of the Act as set forth in sections 3(2)c and 3(17)(B).*

NATCO, The Organization for Transplant Professionals, is a membership association of over 1,800 organ transplant practitioners. We are one of over 3,000 nonprofit associations and societies managed by association management companies with annual budgets of over \$3.4 billion. Communication between our executive office staff and our members would be negatively affected by the proposed CAN-SPAM rule, issued on August 13.

As a tax-exempt, nonprofit organization we serve our members and constituencies who seek out membership and/or involvement in the organization. To assist individuals and others in achieving their goals, tax-exempt, nonprofit organizations continuously strive to offer information to their members quickly and cost-effectively. E-mail has become the preferred vehicle to deliver these messages, from membership updates to important legislative notices, to our members.

For this reason we believe the proposed rule would create an unfair regulatory burden on communication with our members. We reiterate our request that the Commission's rule-making expressly provide that e-mail transmitted by a tax-exempt, nonprofit organization, to one or more of the organization's duly authorized tax exempt nonprofit purposes, not be considered "commercial electronic mail messages" under the Act and, therefore, be specifically exempt from regulation under the Act.

Sincerely,

A handwritten signature in black ink that reads "Christie Bowman". The signature is written in a cursive, flowing style.

Christie Bowman
Association Manager